

Sentence Review Division
301 S. Park, Suite 328
P.O. Box 203005
Helena, MT 59620-3005
Phone: (406) 841-2976
Email: shellysmith@mt.gov

SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
STATE OF MONTANA

AUG 14 2020

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-16-368
)	
Plaintiff,)	Gallatin County District Court
)	Montana Eighteenth Judicial District
-vs-)	
)	DECISION
DUANE ANGELO BURCHILL,)	
)	
Defendant.)	

On February 13, 2018, the Defendant was sentenced as follows: Count I: Forty (40) years to the Montana State Prison, for the offense of Robbery, a Felony; Count II: Forty (40) years to the Montana State Prison, for the offense of Robbery, a Felony. The weapons enhancement of ten (10) years to the Montana State Prison was ordered to be consecutive to Counts I and II respectively, for a total of fifty (50) years for each Count. The Defendant was ordered to pay restitution to the Magic Diamond Casino in the amount of \$1,484.00 and a restitution fee of 10%. Count III: Ten (10) years to the Montana State Prison, for the offense of Conspiracy to Commit Deceptive Practices, as Part of a Common Scheme or Plan, a Felony; and Count IV: Five (5) years to the Montana State Prison, for the offense of Criminal Possession of Dangerous Drugs, a Felony. The sentences under Counts I – IV were ordered to run concurrently with each other. Pursuant to §46-18-202, MCA, the Court ordered the defendant ineligible for parole and participation in the supervised release program while serving the term of imprisonment until he has successfully completed chemical dependency treatment, anger management, and criminal thinking programs at the Montana State Prison. The Defendant was given 503 days credit for time served.

On August 6, 2020, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by teleconference from the Crossroads Correctional Center, and was

represented by Dallas Burris, a second-year law student participating under the Student Practice Rule, and Abigail Rogers, standby counsel. Both Ms. Burris and Ms. Rogers appeared by video from Missoula, Montana. The State was not represented. The Defendant gave a statement.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.


Done in open Court this 6th day of August, 2020.

DATED this 14th day of August, 2020.

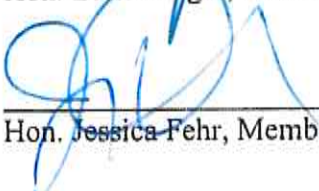
SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chairperson



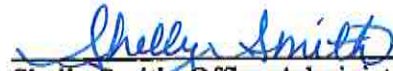
Hon. Luke Berger, Member



Hon. Jessica Fehr, Member

Copies mailed or emailed this 14th day of August, 2020, to:

Clerk of District Court
Duane Angelo Burchill #27751, Defendant
Hon. Holly Brown
Dallas Burris, Second Year Law Student
Abigail Rogers, Standby Defense Counsel
Bjorn Boyer, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Shelly Smith, Office Administrator
Sentence Review Division